

HOUSE BILL 279

By Sexton C

AN ACT to amend Tennessee Code Annotated, Section 39-17-1551, relative to local regulation of products containing nicotine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Park" means any recreational area to which the public is invited or has access and includes, but is not limited to, areas designed in whole or in part to be used by children or that have:

(A) Play or sports equipment installed; or

(B) Been designated or landscaped for play or sports activities;

(2) "Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a place of employment unless it is used as a child care, adult day care, or healthcare facility; and

(3) "Public place" means a place to which the public is invited or has access and includes, but is not limited to, transportation facilities, schools, places of amusement, parks, places of business, places of employment, playgrounds, and hallways, lobbies, and other nonresidential portions of apartment houses and

hotels. "Public place" does not mean private residences, highways, streets, sidewalks, alleys, or roadways.

(b) Except as provided in subdivision (c), any municipality, county, county having a metropolitan form of government, airport authority created pursuant to title 42, or any utility district created pursuant to title 7, may regulate the use of tobacco products, as defined in § 39-17-1503, in public places, places of employment, and parks.

(c) A regulation implemented pursuant to subsection (b) shall not:

- (1) Be less restrictive than that required by state law; or
- (2) Prohibit smoking in an area listed in § 39-17-1804.

(d) Subsections (a)-(c) do not affect or repeal any regulation of the use of tobacco products that was implemented by a municipality, county, county having a metropolitan form of government, airport authority, or utility district pursuant to this section as it existed prior to July 1, 2017.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.